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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,545	01/06/2005	Samantha Champ	29827/40251	9288
4743 7590 06/05/2007 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER ZEMEL, IRINA SOPHIA	
			ART UNIT 1711	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,545	Applicant(s) CHAMP ET AL.	
	Examiner Irina S. Zemel	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8-26-2005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/44648 to BASF AKTIENGESELLSCHAFT, hereinafter "BASF '648"). US corresponding document 6,455,600 is relied upon as an English translation of the Basf '648 document and the reference is made to the relevant portions of the US document).

The reference discloses articles formed from water absorbent open cell crosslinked polymer comprising acrylic acid. See all illustrative examples, column 15, lines 28-37. The article contains surfactant, which makes this surfactant inherently present to at least some degree in the surface layer of the article. See column 2, line 31, for example, column 10, lines 13-17, and also preparation examples all of which contain surfactant. The article comprises crosslinked polymer and the reference expressly discusses that the degree of crosslinking of the article can be altered by post-crosslinking, which includes addition of a crosslinker subsequent to the article formation and post treatment of the article. See paragraph bridging column 15 and 16. The reference further discloses the articles in the form of films of about 3 mm thickness such

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as in all illustrative example, and also expressly discloses its suitability for hygiene and diaper-type articles. See column 18.

The reference further expressly discloses that the surface of the foamed article can be subjected to treatment with non-sticky material such as fine [article powders that includes silicon dioxide such as Aerosil (column 17, lines 5-10), which inherently exhibit the claimed particle properties (as evident from applicants own disclosure). The application rates of particle powders disclosed in lines 18-20 of column 18 fully correspond to the claimed amounts of silica.

The invention as claimed, thus, is fully anticipated by the disclosure of the cited reference.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/52087 to BASF AKTIENGESELLSCHAFT, *hereinafter "BASF '087"). US corresponding document 6,750,262 is relied upon as an English translation of the Basf '648 document and the reference is made to the relevant portions of the US document).

As in the BASF '648, BASF '087 discloses articles formed from water absorbent open cell crosslinked polymer comprising acrylic acid. See all illustrative examples, column 4, last paragraph. The article contains surfactant, which makes this surfactant inherently present to at least some degree in the surface layer of the article. See column 4, line 17, for example, column 9 and 10, and also preparation examples all of which contain surfactant. The article comprises crosslinked polymer and the reference expressly discusses that the degree of crosslinking of the article can be altered by post-crosslinking, which includes addition of a crosslinker subsequent to the article formation

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and post treatment of the article. See column 16. The reference further discloses the articles in the form of films of about 3 mm thickness such as in all illustrative example, and also expressly discloses its suitability for hygiene and diaper-type articles. See column 18.

The reference further expressly discloses that the surface of the foamed article can be subjected to treatment with non-sticky material such as fine [article powders that includes silicon dioxide such as Aerosil (column 17, lines 46 et seq.), which inherently exhibit the claimed particle properties (as evident from applicants own disclosure). The application rates of particle powders disclosed in lines 57 et seq. of column 17 fully correspond to the claimed amounts of silica.

The invention as claimed, thus, is fully anticipated by the disclosure of the cited reference.

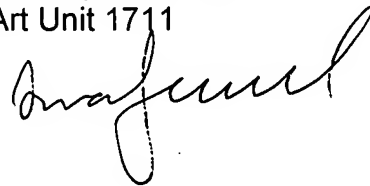
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irina S. Zemel whose telephone number is (571)272-0577. The examiner can normally be reached on Monday-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571)272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Irina S. Zemel
Primary Examiner
Art Unit 1711



ISZ